

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jay S. Cinamon (Reg. 24,156) on 6 June 2011.

#### **The application has been amended as follows:**

1) Claim 21, sixth line, immediately after "0.1-75 wt% of" the word "fat" has been replaced with --- said fat, which is ---

2) Claim 32, second line, insert period at end of line.

3) Claim 33, second line, insert period at end of line.

4) Claim 36, third and fourth lines, the text "or of a flavour delivery system wherein the gelatine has a bloom value of 10-300 or the fat has a melting point of at least 38°C" has been deleted.

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5) Claim 37, second and third lines, the text “or of a flavour delivery system wherein the gelatine has a bloom value of 10-300 or the fat has a melting point of at least 38°C” has been deleted.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

The closest prior art is Skelbaek et al. (WO 91/17821).

Applicant presented data showing the differences between flavor perception of the composition of WO 91/17821 (Skelbaek) and the instantly claimed composition, as of Figure 1, and page 18 lines 4-14 of the specification.

Based upon the data provided by applicant in the specification, is clear that the three inventive compositions (labeled flavouring compositions 1-3) have a greater flavor release than the composition of Skelbaek. This is evident from the maximum flavor intensity and greater area under the curve attained by the inventive compositions as compared with Skelbaek. The data presented by applicant is statistically significant, and any statement by examiner to the contrary was in error.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAC SHOMER whose telephone number is (571)270-7671. The examiner can normally be reached on 8:00 AM - 5:00 PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frederick F. Krass can be reached on (571)272-0580. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ISAAC SHOMER/  
Examiner, Art Unit 1612

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/Frederick Krass/

Supervisory Patent Examiner, Art Unit 1612